

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	1:21-cr-00364-TCB-CMS-1
)	
BRANDON HARTNETT)	
_____)	

MOTION FOR BOND HEARING

COMES NOW the Defendant, BRANDON HARTNETT, by and through undersigned counsel, and moves this Court to grant him a bond hearing so that Mr. Hartnett can be released on bond and he can take care of certain personal affairs. In support of this filing, Mr. Hartnett shows as follows:

(1)

Mr. Hartnett had his initial appearance before Magistrate Judge Walker on September 29, 2021. (Doc. 7, minute entry). At that time, the government filed a Motion for Detention. (Doc. 9). In its Motion, the government indicated that the rebuttable presumption applies only to assurance of Mr. Hartnett's appearance at court and the safety of the community pursuant to 18 U.S.C. § 3142(e)(3). Id.

(2)

At the time of his initial appearance, Mr. Hartnett was being held on a probation violation warrant, that no longer holds him and did not contest the government's motion. As such, Judge Walker granted the government's motion, indicating that Mr. Hartnett could raise the issue of bond if circumstances changed. At this time, Mr. Hartnett is requesting a bond hearing as well as release on bond.

(3)

Assigned Assistant United States Attorney, Noah Schechtman, was consulted and continues his objection to bond on behalf of the government.

(4)

The Bail Reform Act authorizes the Court to release a person on bond when the person does not present a risk of flight or a danger to the community. 18 U.S.C. § 3141. Even in cases where the presumption of detention applies, the Court is required to conduct a hearing to determine whether or not release on bond is appropriate. 18 U.S.C. § 3142(f). Accordingly, Mr. Hartnett requests a hearing so that this Court can consider the appropriateness of release on bond.

WHEREFORE, Defendant respectfully requests that his motion be granted.

Respectfully Submitted, this 21st day of September, 2022.

/s/ Carmen J. Brooks

CARMEN J. BROOKS

GEORGIA BAR NO. 750544

ATTORNEY FOR MR. HARTNETT